

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00506-KDB-DCK**

**HONEYWELL
INTERNATIONAL INC.; HAND
HELD PRODUCTS, INC.; AND
METROLOGIC INSTRUMENTS,
INC.,**

Plaintiffs,

v.

**OPTO ELECTRONICS CO.,
LTD.,**

Defendant.

ORDER

THIS MATTER is before the Court on the Parties' respective objections to their deposition designations. The Court resolves the objections as set forth below:

Witness	Designation	Page and Line Number	Objections	Ruling on Objections
Kohmo, Y.	Plaintiffs' Designation	63:9-16	Rule 407, OPTO MIL 1	Sustain
Kohmo, Y.	Plaintiffs' Designation	63:25-64:4	Rule 407, OPTO MIL 1	Sustain
Kohmo, Y.	Plaintiffs' Designation	66:6-8; 66:10-17	Hearsay	Sustain
Kohmo, Y.	Plaintiffs' Designation	66:23-67:5; 67:7	Hearsay	Sustain
Stoop, K.	Plaintiffs' Designation	28:6-15	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	28:24-29:9	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	29:20-24; 30:2-5	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	30:23-31:7; 31:12	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	32:15-21; 33:2	Rule 407, OPTO MIL 1	Sustain

Stoop, K.	Plaintiffs' Designation	33:6-14; 33:16-21	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	34:4-9	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	38:18-21;38:23-25; 39:2-5; 39:7- 11: 39:13	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Plaintiffs' Designation	63:3-4; 63:6-7; 63:14-16	Relevance	Sustain
Stoop, K.	Defendant's Counter Designation	70:17-71:5	Incomplete (need 71:6-11 and 71:18-24 for completeness)	Sustain, the additional lines requested should be read
Stoop, K.	Plaintiffs' Designation	72:9-14; 72:16-21	Foundation, hearsay	Sustain
Stoop, K.	Plaintiffs' Designation	100:6-11, 100:24-101:1	Rule 407, OPTO MIL 1	Sustain
Stoop, K.	Defendant's Counter Designation	107:15-108:16	Leading	Overruled
Stoop, K.	Defendant's Counter Designation	108:17-21	Leading	Overruled
Stoop, K.	Defendant's Counter Designation	108:22-24	Leading	Overruled
Stoop, K.	Defendant's Counter Designation	108:25-109:1	Leading	Overruled
Stoop, K.	Defendant's Counter Designation	109:2-3	Leading	Overruled
Stoop, K.	Defendant's Counter Designation	109:4-5	Leading	Overruled
Tanaka, S.	Plaintiffs' Designation	62:20-22; 63:7-9	Rule 407, OPTO MIL 1, Outside Scope of 30(b)(6)	Sustain
Tanaka, S.	Plaintiffs' Designation	64:23-25	Relevance (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	65:1-3; 65:6-12	Relevance (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	65:13-15; 65:18- 20	Relevance (objection to use at jury trial only)	Sustain, as to jury trial

Tanaka, S.	Plaintiffs' Designation	66:13-20	Relevance (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	66:21-23	Relevance, Rule 403 (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	67:14-16; 67:20- 68:5	Relevance (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	68:11-12; 68:16	Relevance, Rule 403 (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Plaintiffs' Designation	68:17-25	Relevance (objection to use at jury trial only)	Sustain, as to jury trial
Tanaka, S.	Defendant's Counter Designation	69:5-70:12	Not responsive to designations	Sustained, not relevant to jury trial
Tanaka, S.	Plaintiffs' Designation	71:10-11; 71:15 – 18; 71:20-21: 71:24-25	Relevance (objection to use at jury trial only)	Sustained, not relevant to jury trial
Tanaka, S.	Plaintiffs' Designation	72:1-7; 72:11-25; 73:1-2; 73:5	Relevance (objection to use at jury trial only)	Sustained, not relevant to jury trial
Tanaka, S.	Plaintiffs' Designation	84:2-12	Relevance, Rule 403, Outside Scope of 30(b)(6)	Sustain Relevance
Tanaka, S.	Plaintiffs' Designation	84:13-15; 84:20- 25; 85:1-3	Relevance, Rule 403, Outside Scope of 30(b)(6)	Sustain Relevance
Tanaka, S.	Plaintiffs' Designation	85:4-7; 85:13-19	Relevance, Rule 403, OPTO MIL 3	Sustain
Tanaka, S.	Plaintiffs' Designation	85:20-23; 86:4--21	Relevance, Rule 403, OPTO MIL 3	Sustain
Tanaka, S.	Plaintiffs' Designation	86:20-21; 87:3-8	Relevance, Rule 403, OPTO MIL 3	Sustain
Stoop, K.	Plaintiff's Counter Designation	28:6 – 28:15	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	28:24 – 29:9	Rule 407 MIL 1	Sustain

			Not Proper Counter	
Stoop, K.	Plaintiff's Counter Designation	29:20 – 29:24; 30:2-5	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	30:14 – 30:16	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	30:23 – 31:7	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	31:12, 31:14 – 31:16, 31:18	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	32:15 – 32:21, 33:2	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	33:6 – 33:14, 33:16 – 33:21	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	34:4 – 34:9	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	38:18 – 38:21, 38:23 – 38:25, 39:2 – 39:5	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	39:7 – 39:11, 39:13	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	63:3-4; 63:6-7; 63:14-16	Relevance	Sustain
Stoop, K.	Plaintiff's Counter Designation	68:18-22	Not Proper Counter	Overruled
Stoop, K.	Plaintiff's Counter Designation	87:11 – 87:18	Not Proper Counter	Overruled
Stoop, K.	Plaintiff's Counter Designation	88:2 – 89:20	Not Proper Counter	Overruled
Stoop, K.	Plaintiff's Counter Designation	90:14 – 91:5	Not Proper Counter	Overruled
Stoop, K.	Plaintiff's Counter Designation	92:6 – 93:20	Not Proper Counter	Overruled
Stoop, K.	Plaintiff's Counter Designation	93:21 – 94:21	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Plaintiff's Counter Designation	95:13 – 95:20	Rule 407 MIL 1 Not Proper Counter	Sustain

Stoop, K.	Plaintiff's Counter Designation	100:6 – 100:11	Rule 407 MIL 1 Not Proper Counter Argumentative	Sustain
Stoop, K.	Plaintiff's Counter Designation	100:24, 101:1	Rule 407 MIL 1 Not Proper Counter	Sustain
Stoop, K.	Defendant's Designation	106:6 – 106:17	Rule 402 Rule 403 Leading	Sustain
Stoop, K.	Defendant's Designation	109:17 – 110:1	Rule 402 Rule 403 Contrary to MI	Overruled
Stoop, K.	Defendant's Designation	111:9 – 111:19	Rule 402 Rule 403 Contrary to MI	Overruled
Tanaka, S.	Plaintiff's Counter Designations	16:3 – 16:20	Incomplete If this counter-designation is accepted, 16:21-25 must also be accepted because the witness corrects the statement that he did attend the mediation.	Sustain
Tanaka, S.	Plaintiff's Counter Designation	25:20-25:23; 26:4 – 26:7	Rule 401 Rule 403	Overruled, but the answer should stop at "U.S. based law firm."
Tanaka, S.	Plaintiff's Counter Designation	26:22 – 26:23 27:5	Rule 401 Rule 403 Vague	Sustain
Tanaka, S.	Plaintiff's Counter Designation	27:7 – 27:12 27:17 – 27:19	Rule 401 Rule 403 Vague	Sustain
Tanaka, S.	Plaintiff's Counter Designation	27:20 – 27:25 28:4 – 28:5	Rule 401 Rule 403 Vague	Sustain
Tanaka, S.	Plaintiff's Counter Designation	29:1 – 29:9 29:15 – 29:18	MIL 3 Rule 401 Rule 403	Sustain
Tanaka, S.	Plaintiff's Counter Designation	29:19 – 29:24	MIL 3 Rule 401	Sustain

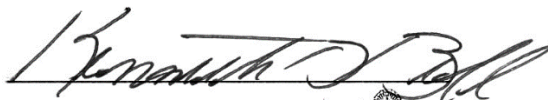
			Rule 403	
Tanaka, S.	Defendant's Designations	31:4 – 31:6 31:12 – 31:20	Hearsay HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	31:21 – 31:23 32:2 – 32:3	Hearsay HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	32:5 – 32:9 32:13 – 32:15	Hearsay HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	32:19 – 32:20 33:2 – 33:3	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	33:4 – 33:9 33:14 – 33:16	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	34:3 – 34:7	Calls for attorney-client privileged communications Rule 401 Rule 403	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	35:21 – 36:1 36:5 – 36:6	Calls for attorney-client privileged communications Rule 401 Rule 403	Sustain
Tanaka, S.	Defendant's Designations	37:1 – 37:2 37:7 – 37:11	Hearsay Relevance	Sustain

			HW MIL 1 Improper attempt to use privilege as a sword and a shield	
Tanaka, S.	Defendant's Designations	37:12 37:21 – 37:23	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	37:24 – 37:25 38:5 – 38:7	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	38:8 – 38:22	Calls for attorney-client privileged communications Rule 401 Rule 403	Sustain
Tanaka, S.	Defendant's Designations	40:23 – 40:25 41:1 – 41:4	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	46:16 – 46:18 46:23 – 46:25 47:1 – 47:2	Hearsay Relevance HW MIL 1 Improper attempt to use privilege as a sword and a shield	Sustain
Tanaka, S.	Defendant's Designations	66:18 – 66:20	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	66:21 – 66:23	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial

Tanaka, S.	Defendant's Designations	66:24 – 66:25 67:4	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	67:4 – 67:7	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	67:8 – 67:10	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	67:11 – 67:13	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	67:14 – 67:16 67:20 – 67:21	<i>Relevance (as to use at jury trial only)</i>	Sustain, as to jury trial
Tanaka, S.	Defendant's Designations	69:5 – 70:12	Relevance Hearsay Going against Summary Judgment Order	Overrule
Tanaka, S.	Plaintiffs' Counter Designations	70:13 – 70:16 70:23 – 70:24	MIL 1 Rule 401 Rule 403 Rule 407 Calls for Speculation	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	82:12 – 82:16 82:24 – 83:4	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	84:2 – 84:15 84:20 – 84:25	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	85:1 – 85:7 85:13 – 85:19	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	85:20 – 85:23 86:4 – 86:11	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain
Tanaka, S.	Plaintiffs' Counter Designations	86:12 – 86:19	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain

Tanaka, S	Plaintiffs' Counter Designations	86:20 – 86:21 87:3 – 87:8	MIL 3 Rule 401 Rule 403 Not Proper Counter	Sustain
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SO ORDERED ADJUDGED AND DECREED. Signed: July 13, 2023



Kenneth D. Bell
United States District Judge

